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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,324	07/02/2001	Hiroyuki Makita	10973-051001	2061
26211	7590	04/02/2004	EXAMINER	
FISH & RICHARDSON P.C. 45 ROCKEFELLER PLAZA, SUITE 2800 NEW YORK, NY 10111			LIEU, JULIE BICHNGOC	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/897,324

Applicant(s)

MAKITA ET AL.

Examiner

Julie Lieu

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-11 is/are rejected.
- 7) ☒ Claim(s) 6,7 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to Applicant's Response filed January 2, 2004. No claims have been amended, canceled or added.

Claim Rejections - 35 USC § 103

2. Claims 1-4 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield et al. (US Patent No. 5,796,094) in view of Zander (DE 19953447).

Claim 1:

Schofield discloses a vehicle headlamp control system comprising variable intensity control means for varying the luminous intensity distribution according to the detection of a vehicle in front of the subject vehicle and the subject vehicle speed. The reference disclose the detection of the presence of a vehicle in front of the subject vehicle but fails to disclose the use of a vehicle-to-vehicle distance measuring means. However, Zander teaches a vehicle headlamp control system which includes distance sensors 8 to determine the distance between the vehicles to control the brake or tail light intensity level to reduce glare for the following driver. In light of this teaching, it would have been obvious to one skilled in the art to readily recognized applying this concept in the system of Schofield because it would help to reduce the light distribution towards an approaching or leading vehicle to avoid causing glare for the other driver.

Claim 2:

It would have been obvious to one skilled in the art to fix the luminous intensity of the lamp when the speed of the subject vehicle is at a predetermined value or lower, of which such speed is low enough so that the separation between the two vehicles would not become too close to quickly.

Claim 3:

The use of cut-off line to control the light distribution causing the headlamp intensity to reduce in a particular level such as to change high beam to low beam is well known in the art. Thus, a skilled artisan would have readily recognized using cut-off lines to vary the luminous intensity distribution by vertically moving the position of the cut-off line since this is the most common method of changing light distribution of vehicle headlamps.

Claim 4:

It would have been obvious to one skilled in the art to fix the luminous intensity distribution of the lamp when the speed of the subject vehicle is at a predetermined value or lower, of which such speed is low enough so that the separation between the two vehicles would not become too close to quickly. It would also been obvious to one skilled in the art to keep it at the lowermost position as desired because when the speed of the vehicle is kept a low level low enough so that the distance between the subject vehicle and the leading vehicle is at a desired distance.

Claims 8-11:

The rejection of claims 8-11 recites the rejection of claims 1-4, except they are method claims.

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3. Claim are rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield et al. (US Patent No. 5,796,094) in view of Zander (DE 19953447) and Smalls (US Patent No. 5,914,651)

Claim 5:

It is not clear whether the distance measuring means in Zander is mounted in the lamp body of the first of the headlamps or not; however, this concept is well known in the art as shown in Smalls wherein sensors to detect motion or lights from the headlights of a vehicle are mounted within the hazard lamp body. Therefore, it would have been obvious to one skilled in the art to use this concept in the combined system of Scholfield and Zander because it is conventional in the art and also the housing of the headlights of the vehicle is a convenient and safe place to house the distance measuring means.

Allowable Subject Matter

4. Claims 6-7 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 1/2/04 have been considered but are moot in view of the new ground(s) of rejection.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 703-308-6738. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Hofsass can be reached on 703-305-4717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Julie Lieu
Primary Examiner
Art Unit 2636

March 30, 04